

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**AGERE SYSTEMS INC.,  
a Delaware Corporation,**

**Plaintiff,**

V.

**SAMSUNG ELECTRONICS  
COMPANY, LTD., a Corporation of the  
Republic of Korea,**

## **Defendant.**

Case No. 2-06CV-185 (TJW-CE)

## **JURY TRIAL DEMANDED**

**JOINT MOTION TO LIFT STAY AND TO DISMISS WITH PREJUDICE**

Plaintiff Agere Systems Inc. (“Agere”) and Defendant Samsung Electronics Company, Ltd. (“Samsung”) hereby respectfully move the Court for an order lifting the stay entered in this action on December 11, 2007, and dismissing all claims by Agere against Samsung, and all counterclaims by Samsung against Agere, with prejudice pursuant to Fed. R. Civ. P. 41(a)(2). Agere and Samsung request dismissal of all claims subject to the terms of that certain agreement titled “SETTLEMENT AND PATENT LICENSE AGREEMENT BETWEEN LSI CORPORATION AND SAMSUNG ELECTRONICS COMPANY, LTD.” dated June 30, 2010. Agere and Samsung further respectfully request an order that all costs and attorneys’ fees related to this litigation shall be borne solely by the party incurring the same.

DATED: July 6, 2010

Respectfully submitted,

/s/ Elizabeth L. DeRieux

Elizabeth L. DeRieux  
Texas State Bar No. 05770585  
CAPSHAW DERIEUX, LLP  
The Energy Centre  
1127 Judson Road, Suite 220  
Longview, Texas 75601-5157  
Telephone: (903) 236-9800  
Facsimile: (903) 236-8787  
E-mail: ederieux@capshawlaw.com

David E. Sipiora  
Daniel S. Young  
TOWNSEND AND TOWNSEND AND  
CREW LLP  
1400 Wewatta Street, Suite 600  
Denver, CO 80202  
Telephone: (303) 571-4000  
Facsimile: (303) 571-4321  
E-mail: desipiora@townsend.com  
E-mail: dsyoung@townsend.com

Attorneys for Plaintiff AGERE  
SYSTEMS INC.

/s/ Eric M. Albritton

Eric M. Albritton  
Texas State Bar No. 00790215  
ALBRITTON LAW FIRM  
P.O. Box 2649  
Longview, Texas 75606  
Telephone: (903) 757-8449  
Facsimile: (903) 758-7397  
E-mail: ema@emafirm.com

Edward J. DeFranco  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100  
E-mail: eddefranco@quinnmanuel.com

Attorneys for Defendant SAMSUNG  
ELECTRONICS COMPANY, LTD.

### CERTIFICATE OF SERVICE

I hereby certify that the all counsel of record who are deemed to have consented to electronic service are being served this 6<sup>th</sup> day of July, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

s/ Elizabeth L. DeRieux

Elizabeth L. DeRieux